

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----		X
	:	
CERTAIN UNDERWRITERS AT LLOYDS, LONDON,	:	
<i>et al.</i> ,	:	
	:	24 Civ. 6103 (JPC) (GS)
Petitioners,	:	
	:	<u>ORDER ADOPTING</u>
-v-	:	<u>REPORT AND</u>
	:	<u>RECOMMENDATION</u>
DRYADES YMCA,	:	
	:	
Respondent.	:	
	:	
-----		X

JOHN P. CRONAN, United States District Judge:

Petitioners bring this action under Section 5 of the Federal Arbitration Act, 9 U.S.C. § 5, and have filed a motion seeking the appointment of an umpire for an upcoming arbitration arising from an insurance coverage dispute between the parties. Dkt. 3. On November 21, 2024, the Honorable Gary Stein issued a Report and Recommendation, recommending that the motion be granted and that the Honorable Frank Maas be appointed to serve as umpire for the arbitration. Dkt. 34.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, the district court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from the date of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. Dkt. 34 at 16. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga Cnty.*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the undersigned has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court adopts the Report and Recommendation in its entirety. Petitioners' motion is granted and the Honorable Frank Maas is appointed as umpire for the parties' upcoming arbitration.

The Clerk of Court is respectfully directed to close the motion at Docket Number 3. Because the appointment of an umpire is the only relief sought in this case, the Clerk of Court also is respectfully directed to close this case without prejudice to either party reopening this case within thirty days if the Honorable Frank Maas is unable or unwilling to serve as umpire in this matter. Any application to reopen filed after thirty days may be denied on that basis alone.

SO ORDERED.

Dated: December 9, 2024  
New York, New York



---

JOHN P. CRONAN  
United States District Judge